

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOTKIER, INC.

Plaintiff,

-v-

COSTCO WHOLESALE CORP.

Defendants.

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DATE FILED: <u>4/11/08</u>

Case No. 07-CV-011043 (RJS)

ORDER

RICHARD J. SULLIVAN, District Judge:

This case is determined to be eligible for mediation. You are directed to report to this court the result of the mediation conference or the exclusion of the case from mediation.

The entire mediation process is confidential. The parties and the Mediator may not disclose information regarding the process, including settlement terms, to the Court or to third persons unless all parties otherwise agree. The identity of the Mediator is not to be disclosed to the Court. Persons authorized by the Court to administer or evaluate the mediation program, however, may have access to information necessary to administer or evaluate the program. Parties, counsel and mediators may respond to confidential inquiries or surveys by persons authorized by the court to administer or evaluate the mediation program.

The mediation process shall be treated as a compromise negotiation for purposes of the Federal Rules of Evidence and state rules of evidence. The Mediator is disqualified as a witness, consultant, attorney, or expert in any pending or future action relating to the dispute, including actions between persons not parties to the mediation process.

Any timetable set by the Court contained in a scheduling order or otherwise governing the completion of discovery, motion practice or trial date, etc. is to be strictly complied with and is in no way changed by the entry of this case into the Court's mediation program.

The parties request that the mediation take place immediately.

SO ORDERED.

DATED: New York, New York
April 11, 2008



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE